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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

96 WYTHE ACQUISITION LLC,

Debtor.

Chapter 11

Case No.: 21-22108 (RDD)

NOTICE OF AGENDA FOR MARCH 8, 2022 HEARING

Time and Date of Hearing: March 8, 2022 at 10:00 a.m. (prevailing Eastern Time)

Location of Hearing: In accordance with General Order M-543 ("General Order M543"), dated March 20, 2020, the Hearing will only be conducted via Zoom® videoconference. Any parties wishing to participate in the Hearing are required to register their appearance by 4:00 p.m. (prevailing Eastern Time) the day before the Hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

A. UNCONTESTED/RESOLVED MATTERS

1. Motion to Approve Use of Cash Collateral [ECF No. 4]

Objections: None

Related Documents: Ninth Interim Order for Use of Cash Collateral
Signed on 1/26/2022 [ECF No. 353]

Status: This matter is going forward on an uncontested basis. A proposed agreed Tenth Interim Order for Use of Cash Collateral was submitted for approval.

2. Motion to Extend the Debtor's Exclusive Period to Solicit Acceptances of a Chapter 11 Plan [ECF No. 398]

Objections: None.

Related Documents:

- a. Affidavit of Service of Jocelyn Campos [ECF No. 435]

Status: This matter is going forward on an uncontested basis.

B. ADJOURNED MATTERS

1. Debtor's Objection to Claim No. 15 Filed by Consolidated Edison Company of New York Inc. Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 303]

Objections: None.

Related Documents:

- a. Affidavit of Service of Jocelyn Campos [ECF No. 333]

Status: Stipulation between parties is in process. This matter is adjourned to April 7, 2022. [ECF No. 436]

2. Debtor's (I) Objection to Claim No. 10 Filed by NYC Department of Finance and (II) Motion to Estimate Claim No. 10 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 253]

Objections:

- a. Opposition to Objections to Claims No. 10 and 11 [ECF No. 328]

Related Documents:

- a. Combined Notice of Reset of the Response Date of the Debtor's Claim Objection [ECF No. 351]
- b. Affidavit of Service [ECF No. 310]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

- 3. Debtor's (I) Objection to Claim No. 11 Filed by NYC Department of Finance and (II) Motion to Estimate Claim No. 11 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 254]

Objections:

- a. Opposition to Objections to Claims No. 10 and 11 [ECF No. 328]

Related Documents:

- b. Combined Notice of Reset of the Response Date of the Debtor's Claim Objection [ECF No. 351]
- c. Affidavit of Service [ECF No. 310]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

- 4. Debtor's (I) Objection to Claim No. 14 Filed by NYC Department of Finance and (II) Motion to Estimate Claim No. 14 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 302]

Objections:

- a. NYC Department of Finance's Response in Opposition to Debtor's Objection to Proofs of Claim Nos. 14 And 18 [ECF No. 367]

Related Documents:

- b. Combined Notice of Reset of the Response Date of the Debtor's Claim Objection [ECF No. 351]
- c. Affidavit of Service [ECF No. 333]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

5. Debtor's (I) Objection to Claim No. 18 Filed by NYC Department of Finance and (II) Motion to Estimate Claim No. 18 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 306]

Objections:

- a. NYC Department of Finance's Response in Opposition to Debtor's Objection to Proofs of Claim Nos. 14 And 18 [ECF No. 367]

Related Documents:

- b. Combined Notice of Reset of the Response Date of the Debtor's Claim Objection [ECF No. 351]
c. Affidavit of Service [ECF No. 333]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

6. Debtor's (I) Objection to Claim No. 5 Filed by Grandfield Realty Corp. and (II) Motion to Estimate Claim No. 5 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 247]

Objections Filed:

- a. Opposition to Debtor's (I) Objection to Claim No. 5 Filed by Grandfield Realty Corp. and (II) Motion to Estimate Claim No. 5 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 343]

Related Documents:

- b. Affidavit of Service [ECF No. 310]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

7. Debtor's Objection to Claim No. 4 Filed by NBE Plumbing Corp [ECF No. 251]

Objections Filed:

- a. NBE Plumbing Corp's Response To Debtor's Objection To Claim No. 4 [ECF No. 325]

- b. Declaration of Joel Guttman in Support Of NBE Plumbing Corps Response To Debtors Objection To Claim No. 4 filed by Edward N Gewirtz on behalf of NBE Plumbing Corp [ECF No. 327]

Related Documents:

- c. Affidavit of Service [ECF No. 310]

Status: Settlement Discussion Pending. This matter is adjourned to April 7, 2022 [ECF No. 436]

- 8. Motion of NBE Plumbing Corp for an Order for the Temporary Allowance of its Claim for Voting Purposes Pursuant to Fed. R. Bankr. P. 3018(A) [ECF No. 369]

Objections Filed: None.

Related Documents:

- a. Certificate of Service for Motion of NBE Plumbing Corp for an Order for the Temporary Allowance of its Claim for Voting Purposes Pursuant to Fed. R. Bankr. P. 3018(A). [ECF No. 370]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 439]

- 9. Debtor's (I) Objection to Claim No. 6 Filed by Gerson Mencia, and (II) Motion to Estimate Claim No. 6 Pursuant to Sections 105 and 502 of the Bankruptcy Code [ECF No. 248]

Objections Filed:

- a. Opposition to the Motion by Debtor Objecting to Claim No. 6 Filed by Gerson Mencia and for an Order Seeking to Estimate the Claim [ECF No. 320]
- b. Certificate of service [ECF No. 336]

Related Documents:

- c. Affidavit of Service [ECF No. 310]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 436]

- 10. Motion by Gerson Mencia and for an Order Pursuant to Bankruptcy Rule 3018(a) [ECF No. 324]

Objections Filed: None.

Related Documents:

- a. Notice of Proposed Order Pursuant to Rule 3018(a) Authorizing Mencia's Claim for Voting Purposes on Debtor's Plan [ECF No. 326]
- b. Certificate of service [ECF No. 371]

Status: Settlement Discussions Pending. This matter is adjourned to April 7, 2022. [ECF No. 439]

C. CONTESTED MATTERS

- 1. Amended Motion to Quash A Subpoena Replacing Exhibit C of the Motion [ECF No. 393]

Objections:

- a. Examiner's Response to Non-Debtor Third-Party Miriam Gross Motion to Quash and/or Modify Subpoena Directed to and Served Upon JPMorgan Chase Bank, N.A. [ECF No. 422]
- b. Certificate of Service [ECF No. 423]

Related Matters:

- c. Motion to Quash A Subpoena and/or Modify Subpoena Directed to and Served upon JPMorgan Chase Bank, N.A [ECF No. 388]
- d. Certificate of Service [ECF No. 390]

Status: This is third party dispute. To Debtor's knowledge, this matter is going forward on a contested basis.

- 2. First Interim Application of Mayer Brown LLP as Co-Counsel to the Debtor for Interim Allowance and Payment of Compensation for Professional Services Rendered and for Reimbursement of Actual and Necessary Expenses Incurred from August 4, 2021 through and including December 31, 2021 [ECF No. 374]

Objections:

- a. Lender's Reservation of Rights with Respect to Debtor's Applications for Interim Professional Compensation [ECF No. 424]

Response:

- b. Debtor's Reply Supporting First Interim Fee Application [ECF No. 433]

Related Matters:

- c. Notice of Hearing to Consider Interim Applications for Allowance of Compensation and Reimbursement of Actual and Necessary Expenses Incurred [ECF No. 375]
- d. Affidavit of Service [ECF No. 389]

Status: Debtor and BSP have agreed that the issue as to payment from BSP's collateral will be scheduled for a later date to be agreed upon, subject to the Court's calendar. No objections have otherwise been raised as to the Application. This matter is going forward on a contested basis.

- 3. Application for Interim Professional Compensation for Backenroth Frankel & Krinsky, LLP [ECF No. 377]

Objections:

- a. Lender's Reservation of Rights with Respect to Debtor's Applications for Interim Professional Compensation [ECF No. 424]

Related Matters:

- b. Affidavit of Service [ECF No. 382]

Status: Debtor and BSP have agreed that the issue as to payment from BSP's collateral will be scheduled for a later date to be agreed upon, subject to the Court's calendar. No objections have otherwise been raised as to the Application. This matter is going forward on a contested basis.

- 4. Application for Interim Professional Compensation /Declaration of David Goldwasser in support of Application for Compensation [ECF No. 376]

Objections:

- a. Lender's Reservation of Rights with Respect to Debtor's Applications for Interim Professional Compensation [ECF No. 424]

Related Matters:

- b. Affidavit of Service [ECF No. 389]

Status: Debtor and BSP have agreed that the issue as to payment from BSP's collateral will be scheduled for a later date to be agreed upon, subject to the Court's calendar. No objections have otherwise been raised as to the Application. This matter is going forward on a contested basis.

5. Motion to Approve Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expenses [ECF No. 400]

Objections:

- a. Omnibus (I) Objection to Examiner's Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; First Interim Application of Eric M. Huebscher And Huebscher & Co. As Examiner; and First Interim Application of Locke Lord LLP, As Examiner's Counsel; and (II) Cross-Motion To Enforce Fee Cap and Limit Examiner Fees; Authorize Limited Discovery Against Examiner; Enforce Confidentiality; and for Related Relief [ECF No. 417]

Response:

- b. Reply in Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expenses [ECF No. 429]
- c. Declaration of Chelsey Rosenbloom List In Support of Examiners Reply In Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expense [ECF No. 430]
- d. Examiners Responses and Objections to Debtors First Request for Production of Documents [ECF No. 431]
- e. Certificates of Service [ECF Nos. 406, 432]

Reply:

- f. Reply to Examiner's Response to Objection and Cross-Motion Regarding Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; Examiner's Objection to Limited Discovery; and for Related Relief [ECF No. 441]

Status: This matter is going forward on a contested basis.

6. First Application for Interim Professional Compensation of Eric M. Huebscher and Huebscher & Co., as Examiner, for Allowance of Compensation and for Reimbursement of Expenses for the Period from November 16, 2021 through December 31, 2021 [ECF No. 293]

Objections:

- a. Omnibus (I) Objection to Examiner's Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; First Interim Application of Eric M. Huebscher And Huebscher & Co. As Examiner; and First Interim Application of Locke Lord LLP, As Examiner's Counsel; and (II) Cross-Motion To Enforce Fee Cap and Limit Examiner Fees; Authorize Limited Discovery Against Examiner; Enforce Confidentiality; and for Related Relief [ECF No. 417]

Related Documents:

- b. Certificate of Service [ECF No. 295]

Response:

- c. Reply in Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expenses [ECF No. 429]
- d. Declaration of Chelsey Rosenbloom List In Support of Examiners Reply In Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expense [ECF No. 430]
- e. Examiners Responses and Objections to Debtors First Request for Production of Documents [ECF No. 431]
- f. Certificates of Service [ECF Nos. 406, 432]

Reply:

- g. Reply to Examiner's Response to Objection and Cross-Motion Regarding Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; Examiner's Objection to Limited Discovery; and for Related Relief [ECF No. 441]

Status: This matter is going forward on a contested basis.

7. First Application for Interim Professional Compensation of Locke Lord LLP, as Examiners Counsel, for Allowance of Compensation and for Reimbursement of Expenses for the Period from November 16, 2021 through December 31, 2021 [ECF No. 294]

Objections:

- a. Omnibus (I) Objection to Examiner's Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; First Interim Application of Eric M. Huebscher And Huebscher & Co. As Examiner; and First Interim Application of Locke Lord LLP, As Examiner's Counsel; and (II) Cross-Motion To Enforce Fee Cap and Limit Examiner Fees; Authorize Limited Discovery Against Examiner; Enforce Confidentiality; and for Related Relief [ECF No. 417]

Related Matters:

- b. Certificate of service [ECF No. 295]

Response:

- c. Reply in Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expenses [ECF No. 429]
- d. Declaration of Chelsey Rosenbloom List In Support of Examiners Reply In Further Support of Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiners Fees and Expense [ECF No. 430]
- e. Examiners Responses and Objections to Debtors First Request for Production of Documents [ECF No. 431]
- f. Certificates of Service [ECF Nos. 406, 432]

Reply:

- g. Reply to Examiner's Response to Objection and Cross-Motion Regarding Motion to Modify Aggregate Cap on Compensation and Reimbursement of Examiner's Fees and Expenses; Examiner's Objection to Limited Discovery; and for Related Relief [ECF No. 441]

Status: This matter is going forward on a contested basis.

Dated: March 7, 2022
New York, New York

Respectfully submitted,

By: /s/ Douglas Spelfogel
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